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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,557	09/02/2004	Sam Durrant	IPLTP0102US	1331
7590 01/17/2007 Don W Buson Renner Otto Boisselle & Sklar 19th Floor 1621 Euclid Avenue Cleveland, OH 44115			EXAMINER GEHMAN, BRYON P	
			ART UNIT 3728	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/17/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/506,557

Applicant(s)

DURRANT, SAM

Examiner

Bryon P. Gehman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19, 20 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 21, 23, 24 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 23-24 and 27 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 23, lines 8 and 13, and claim 24, line 2, "one or more protrusions and/or recesses" is indefinite employing the indefinite slashed combination and should be changed to --one or more of a protrusion or a recess, or a combination of at least one of each--.

In claim 27, line 3, "the transparent portion" lacks antecedent basis for the terminology. In line 4, "the identifying and advertising message" lacks antecedent basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-20, 22 and 25-26 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Wilde (4,801,018) in view of Wilde et al. (4,063,702) and Mehl (4,443,508). Wilde discloses a corner edge protector having opposite front and rear faces (11 and 12) configured so as to embrace between them, in use, a corner edge region comprising the opposed front and rear external surfaces of a planar article, the opposite faces being triangular in plan view and resilient so, in use, the corner edge

region of the article must force its way into position between the opposite faces of the protector and thereafter be frictionally gripped between them until the protector is subsequently released by pulling it off against the frictional resistance. Wilde et al. disclose a corner edge protector for a planar article where the planar article is to be a picture frame (see column 1, lines 5-11) to be encompassed by the corner edge protector. To employ the corner edge protector of Wilde ('018) for a picture frame would have been obvious in view of Wilde ('702), as both are directed to corner edge protectors in general for various articles, a picture frame being a recognized particular article. Mehl discloses a similar edge protector having opposed front and rear faces (each 12.3-12.5) where portions of the faces are bowed towards one another to require a planar article to be forced into position between the opposed faces to be frictionally gripped between them until the protector is subsequently released by pulling it off against the frictional resistance. To modify the corner edge protector of Wilde ('801) in view of the bowed face teaching of Mehl would have been obvious in order to increase the frictional force applied to the article to increase its securement to the article, as suggested by Mehl.

As to claim 20, Wilde ('801) and Mehl each disclose plastic materials (polyethylene and polyvinyl chloride) that are typically transparent.

As to claim 22, Mehl further discloses providing an inner face that is ribbed or dimpled (14 and 14.2) in order to increase its securement to the article.

As to claim 25, Mehl further discloses its bowing to be concave in general, the exact shape of bowing not seen as providing any new and unexpected result.

As to claim 26, Wilde ('801) further discloses at least one outwardly projecting portion (41) to be employed by a user in removing or placing the corner edge protector.

5. Claims 19, 22 and 25-26 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Speshyock (5,799,429) in view of Morley et al. (5,604,011).

Speshyock discloses a corner edge protector having opposite front and rear faces (10 in Figure 4) configured so as to embrace between them, in use, a corner edge region comprising the opposed front and rear external surfaces of a picture frame, at least one of the opposite faces being triangular in plan view and resilient so, in use, the corner edge region of the article must force its way into position between the opposite faces of the protector and thereafter be frictionally gripped between them until the protector is subsequently released by pulling it off against the frictional resistance. Morley discloses a similar edge protector having opposed front and rear faces (at 126 and 126 in Figure 3) where portions of the faces are bowed towards one another (at 140) to require a planar article to be forced into position between the opposed faces to be frictionally gripped between them until the protector is subsequently released by pulling it off against the frictional resistance. To modify the corner edge protector of Speshyock in view of the bowed face teaching of Morley would have been obvious in order to increase the frictional force applied to the article to increase its securement to the article, as suggested by Morley (see column 5, lines 24-34).

As to claim 22, Morley further discloses providing an inner face that is ribbed or dimpled (at 140) in order to increase its securement to the article.

As to claim 25, Morley further discloses its bowing to be concave in general, the exact shape of bowing (convergence) being variable to need by the provider (see column 5, lines 24-34).

As to claim 26, Speshyock further discloses at least one outwardly projecting portion (24) to be employed by a user in removing or placing the corner edge protector.

6. Applicant's arguments with respect to claims 19-20, 22 and 25-26 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Claim 21 is allowed.
9. Claims 23 and 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
10. Claim 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are analogous corner protectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name being the most prominent.

Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG